

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

|                        |   |          |
|------------------------|---|----------|
| NEIL HOLMQUIST,        | ) |          |
|                        | ) |          |
| Plaintiff,             | ) |          |
|                        | ) |          |
| v.                     | ) | CASE NO. |
|                        | ) |          |
| THE STONE GROUP, INC., | ) |          |
| THOMAS KEATY and       | ) |          |
| KEVIN KENZINGER,       | ) |          |
|                        | ) |          |
| Defendants.            | ) |          |

**NOTICE OF REMOVAL**

Defendants, The Stone Group, Inc., Thomas Keaty and Kevin Kenzinger (“Defendants”), hereby remove all further proceedings from the Superior Court of Lake County, Indiana, to the United States District Court for Northern District of Indiana, Hammond Division. The basis for removal is as follows:

**I. THE STATE COURT ACTION**

1. The Stone Group, Inc., Thomas Keaty and Kevin Kenzinger are the Defendants in the civil action captioned *Neil Holmquist v. The Stone Group, Inc. et al.*, under Cause No. 45D11-2107-CT-000654, filed in the Superior Court of Lake County, Indiana (the “State Court Action”).

2. On July 14, 2021, Plaintiff Neil Holmquist (“Plaintiff”) filed the State Court Action against Defendants asserting causes of action for violations of the Americans With Disability Act, 42 U.S.C. § 12101, *et seq.*, violations of Indiana Statutory Law and for an Indiana State Tort Claim.

3. This Notice of Removal is timely under 28 U.S.C. §1446(b) because it is filed within thirty (30) days of service of the Complaint on Defendants on July 23, 2021. See 28 U.S.C.

§ 1446(b). In accordance with 28 U.S.C. §1446(a), a copy of the docket and all accompanying documents are attached as Exhibit A.

4. Venue of this removal is proper in the United States District Court for the Northern District of Indiana, Hammond Division, under 28 U.S.C. § 1441(a), because the Superior Court of Lake County, Indiana, is within the Northern District of Indiana, Hammond Division.

## **II. FEDERAL QUESTION JURISDICTION**

5. This Court has original jurisdiction over this action under the provisions of 28 U.S.C. § 1331, and Defendants may remove the State Court Action pursuant to the provisions of 28 U.S.C. § 1441, as this is a civil action involving a federal statute, i.e., the Americans with Disability Act, 42 U.S.C. § 12101, *et seq.*

6. Accordingly, the Complaint is removable pursuant to 28 U.S.C. §§ 1331(a)(1), 1441, and 1446.

## **III. NOTICE OF REMOVAL**

7. Written notice of the removal of this action has been mailed contemporaneously to Plaintiff through his attorney of record, and a Notice of Removal has been filed with the Clerk of the Superior Court of Lake County, Indiana, pursuant to 28 U.S.C. § 1446(d).

8. Defendants have complied with all statutory requirements for removal.

## **IV. CONCLUSION**

WHEREFORE, Defendants, The Stone Group, Inc., Thomas Keaty and Kevin Kenzinger, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, hereby remove this action from the Superior Court of Lake County, Indiana to the United States District for the Northern District of Indiana, Hammond Division.

Respectfully submitted,

Schuyler D. Geller

Schuyler D. Geller (33699-45)

One of the Attorneys for Defendants

Burke Costanza & Carberry LLP  
9191 Broadway  
Merrillville, IN 46410  
219.769.1313 / Fax 219.769.6806  
[geller@bcclegal.com](mailto:geller@bcclegal.com)

John J. Conway  
Sullivan Hincks & Conway  
120 West 22nd Street, Ste.100  
Oak Brook, IL 60523  
(630) 573-5021  
Attorney No. 6217597  
[johnconway@shlawfirm.com](mailto:johnconway@shlawfirm.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on August 9, 2021, a copy of the foregoing pleading was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Schuyler D. Geller

Schuyler D. Geller (33699-45)

One of the Attorneys for Defendants